

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

STATE OF OHIO,	:	APPEAL NOS. C-150731
		C-150732
Plaintiff-Appellant,	:	C-150733
		TRIAL NOS. 15TRC-20485A
vs.	:	15TRC-20485C
		15TRC-20485B
TOMICA HAYES,	:	
		<i>JUDGMENT ENTRY.</i>
Defendant-Appellee.	:	

We consider these appeals on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* S.Ct.R.Rep.Op. 2; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Defendant-appellee Tomica Hayes, while operating her motor vehicle, struck three parked cars at approximately 4:00 a.m. on May 9, 2015. Cincinnati Police Officer Nicholas Casch responded to the accident. After having Hayes perform three field-sobriety tests, officer Casch placed her under arrest for operating her motor vehicle while impaired (OVI). Hayes was cited for violations of R.C. 4511.19 (OVI), R.C. 4511.202 (operating a motor vehicle without reasonable control), and R.C. 4510.11 (driving under a license suspension).

Hayes filed a motion to suppress challenging her warrantless arrest. Following a suppression hearing, the trial court determined that there had not been probable cause to arrest Hayes for OVI, and it granted her motion. The state has

appealed, arguing in one assignment of error that the trial court erred in granting Hayes' motion to suppress.

Following our review of the record, and accepting those findings of fact made by the trial court that were supported by competent and credible evidence, we find that officer Casch did not have sufficient information to cause a reasonably prudent person to believe that Hayes had been driving under the influence. *See State v. Phoenix*, 192 Ohio App.3d 127, 2010-Ohio-6009, 948 N.E.2d 468, ¶ 6 (1st Dist.). Consequently, we hold that the trial court did not err in determining that officer Casch did not have probable cause to arrest Hayes and in granting Hayes' motion to suppress.

The state's assignment of error is overruled, and the judgment of the trial court is affirmed.

A certified copy of this judgment entry shall constitute the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

HENDON, P.J., MOCK and STAUTBERG, JJ.

To the clerk:

Enter upon the journal of the court on August 3, 2016
per order of the court _____.
Presiding Judge